UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1996/SR.51
26 April 1996

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 51st MEETING

Held at the Palais des Nations, Geneva,
on Friday, 19 April 1996, at 10 a.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

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GE.96-12788 (E)

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(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued)

The meeting was called to order at 10.40 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued) (E/CN.4/1996/L.2)

Draft decision on the organization of the work of the session (E/CN.4/1996/L.2)

1. Mr. GOONETILLEKE (Sri Lanka), introducing the draft decision on behalf of its sponsors, which had been joined by the delegations of Dominican Republic and Egypt and by the observers for Iraq, Jordan and Nigeria, said that, during the debate on the item, many delegations had mentioned the need to change the Commission's working methods. In the view of the African, Asian and Latin American and Caribbean groups, the Commission's approach so far had not produced the desired results.

2. References had been made to the polarization of North and South, the prevailing atmosphere of confrontation and the politization of the human rights debate. A strong conviction had been expressed that the Commission should remain within the terms of its mandate, in which connection reference had been made to Article 1, paragraph 3, of the United Nations Charter and to paragraph 7 of the Vienna Declaration and Programme of Action.

3. It had been concluded that the Commission's work should be based on international cooperation; that the Commission should operate in an atmosphere of transparency; and that its members should engage in consultations and negotiations with a view to building consensus. The implied message was that the delegations holding those views were ready and willing to cooperate and that better results could be achieved if members were to engage in consultations on areas of common interest.

4. The sole purpose of the draft decision was to improve the Commission's working methods and working atmosphere. It would not change the Commission's rules of procedure, transform the need for consensus into veto power or institutionalize the principle of consensus. Practical experience would tell the Commission when consensus was not possible on a specific issue, thus signalling the need for a vote.

5. The sponsors of the draft decision welcomed the fact that there had been greater attempts than at previous sessions to engage delegations in a process of consultation and that the Chairman had worked to promote cooperation, dialogue, transparency and consensus-building.

6. While it had made commendable efforts to restructure its agenda, the Commission had failed to take concrete measures to improve other areas of its work. Since the draft decision could assist in that process, he hoped that it could be adopted without a vote.

7. The CHAIRMAN said that requests had been made to extend the time for consultations on the draft decision. If he heard no objection, he would take it that the Commission wished to postpone action thereon.

8. Ms. GHOSE (India) said that extensive consultations had already taken place. Postponement of consideration of the text would be acceptable provided that it was for the purpose of dialogue and not a delaying tactic.

9. Mr. ZAMIR (Bangladesh) said that the decision-making process in the Commission over the past three years revealed a trend towards the adoption of resolutions without a vote, a trend that should be encouraged. Coordinated informal consultations would facilitate that process and he hoped that the draft decision would be accepted by consensus.

10. Mr. ALFONSO MARTINEZ (Cuba) said that the purpose of the draft decision was not to legislate consensus but to establish it as a rule of proper conduct.

11. Mr. LIU Xinsheng (China) said that consensus could be achieved only when the countries concerned were prepared to seek common ground through an exchange of views on the basis of equality and mutual respect. The sponsors of the draft decision were endorsing the spirit of consensus.

12. Some delegations had questioned the need for such a draft decision but the discussions under agenda item 10 had clearly shown that it was both timely and necessary. It would help the Commission eliminate the use of double standards in its search for ways to promote and protect human rights. He therefore urged members not to delay consideration of the draft for too long.

13. Mr. MEGHLAOUI (Algeria) said that the draft decision did not seek to amend the Commission's rules of procedure; or give any member the right of veto. Its purpose was to promote dialogue. The text had already been the object of consultations for four weeks and should be adopted by consensus as soon as possible.

14. The CHAIRMAN said that action on the draft decision would be postponed.

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 12) (continued) (E/CN.4/1996/L.22/Rev.1 and L.24)

Draft resolution on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1996/L.22/Rev.1)

15. Mr. GULDERE (Turkey), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegation of Canada and the observer for Azerbaijan, said that, in the fifth preambular paragraph, the words "held in Vienna from 14 to 25 June 1993" should be inserted after the words "World Conference on Human Rights". In that same paragraph, "(A/CONF.157/23)" should be inserted after the words "Vienna Declaration and Programme of Action".

16. In the ninth preambular paragraph, the words "Having considered" should be replaced by "Having examined".

17. In paragraph 6, the word "the" should be replaced by "any".

18. The consultations leading to the elaboration of the text had been long and arduous. He expressed his appreciation to all the delegations which had contributed to the process and hoped that the draft resolution, as revised, would be adopted by consensus.

19. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Angola and the Republic of Korea and the observers for Israel and Uruguay had become sponsors of the draft resolution.

20. Mr. BENITO (Financial Resources Management Service), explaining the administrative and programme budget implications of the draft resolution in accordance with rule 28 of the rules of procedure, said that the resources required to implement the extended mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance called for by the draft resolution (US$ 83,000) would be provided from within the existing provisions for Economic and Social Council mandates under section 21 (human rights) of the approved programme budget for the biennium 1996-1997. Accordingly, no additional resources would be required.

21. Mr. BEBARS (Egypt) said that, while his delegation supported the draft resolution, it would have preferred a shortened formulation of the contemporary forms of racism, racial discrimination, xenophobia and related intolerance in several paragraphs, since it was impossible to establish an exhaustive list of all such forms of racism. Moreover, he wished to stress that anti-Semitism also included hostility towards Arabs, who were also Semites.

22. Mr. ZAMIR (Bangladesh), referring to paragraph 9 of the draft resolution, said that his delegation would have preferred the fourth line to read: "Arabs, Muslims, xenophobia ...".

23. The draft resolution, as orally revised, was adopted without a vote.

24. Mrs. FERRARO (United States of America), explaining her delegation's position on draft resolutions E/CN.4/1996/L.14 and E/CN.4/1996/L.22/Rev.1, said that it had joined the consensus on those resolutions because of its profound abhorrence of racism and racial discrimination in any form. However, her Government, while endorsing the goals of the Third Decade to Combat Racism and Racial Discrimination, did not support the scheduling of any new global conferences, since it believed that the human and financial resources needed would be better and more responsibly spent in directly combating racism itself.

25. Moreover, the United Nations should concentrate on implementing the recommendations of the four recent world conferences before planning any further major conferences. Such an approach would promote a responsible use of scarce resources.

26. As for draft resolution E/CN.4/1996/L.22/Rev.1, her delegation recognized that the shorthand references to certain forms of racism which omitted other forms were often used in such resolutions. However, in the context of setting up a potential major focus for the Commission's next session, particularly in provisions that followed immediately after ones where the forms were fully

enumerated, her delegation's understanding was that, whenever the general shortened formulation of forms of racism was used, it was intended to reflect, in short form, all the forms of discrimination and intolerance as listed in paragraph 9.

27. Mr. TORELLA di ROMAGNANO (Italy), speaking on behalf of the European Union, said that, ever since the Commission had first decided to appoint a Special Rapporteur on racism in 1993, the Union had always stressed the need to state clearly that racism was a global phenomenon not limited to certain parts of the world. The resolution just adopted by consensus had made further progress towards general acceptance that racism, racial discrimination and xenophobia were terrible phenomena from which no region was exempt and which affected the countries of both the North and the South.

28. In that regard, the Union hoped that the new wording might encourage the Special Rapporteur to extend his work and examine all incidents and forms of racism wherever they occurred. The Union welcomed the fact that the new resolution took into account and condemned some new ways and channels of spreading racist ideologies and put special emphasis on the need for States to enact legislation stipulating that racism and racially motivated violent acts were crimes.

29. The CHAIRMAN said that the Commission had thus concluded its consideration of agenda item 12.

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 14) (continued) (E/CN.4/1996/L.13/Rev.1)

Draft resolution on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (E/CN.4/1996/L.13/Rev.1)

30. Mr. SPLINTER (Canada), introducing the draft resolution, on behalf of its sponsors, which had been joined by the delegations of Austria, Chile, France, Germany, Netherlands, Philippines and Ukraine and the observers for the Czech Republic, Finland, Israel, Liechtenstein, New Zealand and Poland, said that it was aimed at improving the implementation of human rights instruments, consolidated many elements of the previous year's resolution and included some updated and some new elements including the references to the Beijing Declaration and Programme of Action, the emphasis on the need for adequate financing, staff and information resources for the effective operation of treaty bodies, and the encouragement for the treaty bodies to examine, without exception, the record of all States parties in implementing their human rights treaty obligations. He hoped that, as in previous years, the draft resolution could be adopted without a vote.

31. Mr. H.K. SINGH (India) said that his delegation was prepared to join the consensus on the draft resolution, whose provisions regarding the rationalization of reporting procedures it endorsed, on the understanding that its provisions would be interpreted in a manner consistent with the mandates of the treaty bodies.

32. The draft resolution was adopted without a vote.

33. The CHAIRMAN said that the Commission had thus concluded its consideration of agenda item 14.

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 18) (continued) (E/CN.4/1996/L.28/Rev.1)

Draft resolution on the implementation of the Declaration on the Elimination of all Forms of Intolerance and of Discrimination based on Religion and Belief (E/CN.4/1996/L.28/Rev.1)

34. Mr. BIGGAR (Observer for Ireland), introducing the draft resolution on behalf of its sponsors, said that it reaffirmed the right to freedom of thought, conscience, religion and belief, expressed great concern at continuing instances of hatred and intolerance, took note of the reports of the Special Rapporteur on the question of religious intolerance and listed various actions that would improve implementation of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion and Belief. The sponsors hoped that it could be adopted by consensus.

35. In the sixth line of the ninth preambular paragraph, the word "stated" should be inserted between the words "and" and "that". In the fifteenth preambular paragraph, the words "the grounds of" should be deleted.

36. Paragraph 8 should be replaced by the following text:

> "Calls upon States to promote and enhance tolerance in matters relating to religion or belief, and to ensure that the values of pluralism, respect for religious diversity and non-discrimination are promoted effectively, through appropriate measures such as legislation which does not have the effect of fostering intolerance and discrimination in society;"

37. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of India, Philippines and Senegal and the observers for Argentina, Estonia, New Zealand, Senegal and the former Yugoslav Republic of Macedonia had become sponsors of the draft resolution.

38. The draft resolution, as orally revised, was adopted without a vote.

39. The CHAIRMAN said that the Commission had thus concluded its consideration of agenda item 18.

REPORT OF THE SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SEVENTH SESSION (agenda item 15) (continued) (E/CN.4/1996/L.29, L.33, L.36/Rev.1, L.38, L.40, L.41, L.47; E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I.B., draft decisions 1, 2, 3 and 9)

Draft resolution on traffic in women and girls (E/CN.4/1996/L.29)

40. Mrs. BAUTISTA (Philippines), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegation of Denmark and the observers for Finland, Myanmar and Norway, said that the issue addressed by

the draft resolution constituted a grave violation of human rights. The sponsors hoped that, since the text was largely based on similar United Nations General Assembly and Commission on the Status of Women resolutions which had been adopted by consensus, the Commission would do likewise.

41. In the last line of the fifth preambular paragraph, the word "illegal" should be replaced by "undocumented". In the tenth preambular paragraph, the words "exploitation and" should be inserted between the words "sexual" and "trafficking". Lastly, in paragraph 3, the phrase "consider the development of" should be replaced by "accord", the words "rules for the" should be deleted and the word "of" should be replaced by "to".

42. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Bangladesh, Benin, Cuba, El Salvador, France, India, Madagascar, Nicaragua, Peru, the Republic of Korea and the Russian Federation and the observers for Argentina, Belgium, Costa Rica, Honduras, Israel, Morocco, Thailand, Uruguay and Viet Nam had become sponsors of the draft resolution.

43. The draft resolution, as orally revised, was adopted without a vote.

Draft resolution on the work of the Sub-Commission on prevention of discrimination and protection of minorities (E/CN.4/1996/L.33)

44. Mr. HELLBACH (Germany), introducing the draft resolution on behalf of its sponsors, said that the Sub-Commission had made important contributions in the past to the development of standards and mechanisms in the field of human rights and had served as an important forum for non-governmental organizations (NGOs). Many members of the Commission saw an urgent need for reform of the Sub-Commission's work, however. It was no longer the setting of new standards, but rather the implementation of existing ones, that was currently needed; unnecessary duplication of the Commission's work must be avoided; and the Sub-Commission's agenda should be rationalized - that reasoning was set out in paragraph 9 of the text. The Sub-Commission should set up a small group to examine the questions raised in paragraph 9, the conclusions of which after an in-depth debate in the Sub-Commission, should be reported to the Commission.

45. A number of changes to the text had been agreed upon in the course of intensive consultations. In the tenth preambular paragraph, the word "basically" should be inserted between "are" and "dependent". In the eleventh preambular paragraph, the words "Economic and Social Council to members of the" should be inserted between the words "commissioned by the" and "Sub-Commission" and the words "in cooperation with their consultants, if need be, and the Secretariat" inserted after the words "their alternates". In the twelfth preambular paragraph, the words "of such contacts" should be replaced by "for such interaction".

46. In paragraph 4, the words "to undertake" should be inserted after the words "the Sub-Commission is".

47. The sponsors hoped that the draft resolution would be adopted by consensus.

48. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Bangladesh, Canada, France, India, Italy, Philippines and Ukraine and the observers for Argentina, Costa Rica, Greece, Poland, Slovakia and Spain had become sponsors of the draft resolution.

49. Mr. ALFONSO MARTINEZ (Cuba) thanked the sponsors for incorporating into the draft text a number of suggestions by other delegations.

50. The draft resolution, as orally revised, was adopted without a vote.

Draft resolution on minimum humanitarian standards (E/CN.4/1996/L.36/Rev.1)

51. Mr. WILLE (Observer for Norway), introducing the draft resolution on behalf of its sponsors, said that there was extensive evidence of the need for further analysis and consideration at the expert level of minimum humanitarian standards that would be applicable in all situations. Paragraph 4 of the draft resolution thus welcomed the offer of the Nordic countries to organize, in cooperation with the International Committee of the Red Cross (ICRC), a workshop to which experts from all regions would be invited.

52. The detailed organization of the workshop would have to be worked out by consultations among the sponsors and all other interested parties. Because of the need to ensure broad and thorough discussion, all opinions, as diverse as they might be, must be represented at the workshop.

53. In paragraph 5, the words "and to submit a report" should be deleted and the words "for submission" inserted between "on this matter" and "to the Commission".

54. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Madagascar, Ukraine and the United States of America and the observers for Argentina, Latvia, Liechtenstein and Portugal had become sponsors of the draft resolution.

55. Mr. ALFONSO MARTINEZ (Cuba) proposed that, in paragraph 1, the word "and", between the words "international law" and "Charter of the United Nations", be replaced by the phrase "in particular", since the Charter was the main pillar of international law.

56. Mr. WILLE (Observer for Norway) said that the representative of Cuba had, in fact, noticed a typographical error: the word "and" should be replaced by "including".

57. Mrs. KRISHNA (India) said that her delegation was prepared to join a consensus, even though it believed that the issues raised were already addressed by international human rights instruments, particularly the International Covenant on Civil and Political Rights. In connection with the reference in paragraph 4 to cooperation with ICRC, she hoped that the most appropriate body - the Human Rights Committee - would also be involved in the workshop.

58. The draft resolution, as orally revised, was adopted without a vote.

Draft decision on recognition of gross and large-scale violations of human rights as an international crime (E/CN.4/1996/L.38)

59. Mr. van WULFFTEN PALTHE (Netherlands), introducing the draft decision on behalf of the sponsors, said that its effect would be to postpone a decision by the Economic and Social Council concerning the preparation by the Sub-Commission of a study on the recognition of gross and large-scale violations of human rights as an international crime, thus superseding draft decision 3 recommended for adoption to the Commission by the Sub-Commission.

60. Similar action had been taken regarding a draft decision submitted by the Sub-Commission the previous year, the reasoning being that studies on the topic were being undertaken in other forums, particularly the International Law Commission, and that duplication of efforts in times of austerity must be avoided. The sponsors hoped that the draft decision would be adopted by consensus.

61. Mr. MÖLLER (Secretary of the Commission) announced that the delegation of Japan had become a sponsor of the draft decision.

62. Mr. ALFONSO MARTINEZ (Cuba) asked for how long the Economic and Social Council's decision on the study would be postponed.

63. Mr. van WULFFTEN PALTHE (Netherlands) referred him to the final portion of the text, which read: "in order to be able to take into account the work of other United Nations bodies in this field, including that of the International Law Commission". The postponement would thus last until the work of the other United Nations bodies was finalized.

64. The draft decision was adopted without a vote.

Draft decision on the question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights (E/CN.4/1996/L.40)

65. Mrs. FERRARO (United States of America), introducing the draft decision on behalf of its sponsors, said it would supersede draft decision 2 recommended for adoption to the Commission by the Sub-Commission and would mean that the Commission would not forward to the Economic and Social Council the Sub-Commission's request to undertake an ill-defined and overly broad study.

66. The Sub-Commission had submitted a request for such a study on three occasions already, and each time the Commission had rejected it. The proposed study would take the Sub-Commission into fields beyond its competence and would second-guess the past and ongoing efforts of other United Nations bodies.

67. Adoption of the draft decision would in no way prejudice the Commission's own capacity to deal in future with issues relating to humanitarian assistance and the sponsors hoped that the draft would be adopted by consensus.

68. Mr. ALFONSO MARTINEZ (Cuba) said that, while his delegation would not block a consensus on the draft decision, he wished to make it clear that,

although it was entirely within the Commission's prerogative to decide not to transmit to the Economic and Social Council a Sub-Commission suggestion, it was equally within the province of the Sub-Commission to make any proposals it wished.

69. The draft decision was adopted without a vote.

Draft resolution on contemporary forms of slavery (E/CN.4/1996/L.41)

70. The CHAIRMAN said that a number of delegations had asked that consideration of the draft resolution be postponed.

71. Mr. ALFONSO MARTINEZ (Cuba), Ms. GHOSE (India) and Mr. LIU Xinsheng (China) confirmed that that was the case: their delegations had difficulties with the draft text which, they hoped, could be resolved through further negotiation.

72. Mr. van WULFFTEN PALTHE (Netherlands), speaking on behalf of the sponsors, said that they were able to agree to postponement of consideration of the draft, although they would have preferred to have been consulted before the subject was brought up in plenary.

Draft resolution on human rights of persons with disabilities (E/CN.4/1996/L.47)

73. Ms. ANDERSON (Observer for Ireland), introducing the draft resolution on behalf of its sponsors, said it was similar to one adopted in 1995 but took into account, inter alia, the recognition by the Fourth World Conference on Women of the special needs of women with disabilities.

74. It also emphasized the fact that armed conflict had especially devastating consequences for the human rights of persons with disabilities and expressed deep concern at the indiscriminate use of anti-personnel land-mines.

75. The overall purpose of the draft was to re-emphasize the human rights of persons with disabilities and the need for Member States and United Nations bodies to intensify efforts to ensure full participation and equality for such persons. The sponsors hoped that the draft resolution would be adopted by consensus.

76. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Chile, El Salvador, Germany, Hungary, Madagascar, Netherlands, Republic of Korea and the United Kingdom and the observers for Argentina, Costa Rica, Libyan Arab Jamahiriya, South Africa and Uruguay had become sponsors of the draft resolution.

77. Mr. de ICAZA (Mexico), said, with reference to the last preambular paragraph and to paragraphs 10 and 11, that his delegation would have preferred to see references to land-mines in general, and not just to anti-personnel mines. Land-mines did not discriminate between combatants and civilians and caused massive losses among the civilian population. His Government favoured total abolition of all types of land-mines as the only way to protect civilian populations from physical and mental trauma.

78. The draft resolution was adopted without a vote.

Draft decision on systematic rape and sexual slavery during periods of armed conflicts, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I.B., draft decision 1)

79. Mr. BENITO (Financial Resources Management Service), explaining the administrative and programme budget implications of the draft resolution in accordance with rule 28 of the rules of procedure, said that the costs relating to the appointment of the Special Rapporteur would amount to US$ 10,000. It was expected that those resources could be provided from within the provisions available under section 21 (human rights) of the approved programme budget for the biennium 1996-1997.

80. The draft decision was adopted without a vote.

Draft decision on the human rights dimensions of population transfer, including the implantation of settlers and settlements, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I.B., draft decision 9)

81. Mr. BENITO (Financial Resources Management Service) said that provision had already been made in the programme budget for the biennium 1996-1997 to finance the activities referred to in the draft decision. No additional costs would therefore be incurred.

82. The draft decision was adopted without a vote.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(agenda item 8) (continued) (E/CN.4/1996/L.37/Rev.1, L.39/Rev.1, L.51, L.58 and L.59)

Draft resolution on the question of arbitrary detention (E/CN.4/1996/L.37/Rev.1)

83. Mr. BERNARD (France), introducing the draft resolution on behalf of its sponsors, said that the Working Group on Arbitrary Detention had done a substantial amount of work. In 1995, it had considered over 800 new allegations and had launched 62 urgent appeals drawing the attention of Governments to specific cases. Unfortunately, the Group had not been able to

carry out a planned field mission owing to lack of funds. His delegation traditionally submitted a resolution on the subject to confirm its support for the Group. The text before the Commission was the result of serious negotiations among interested delegations and he hoped that it would be adopted without a vote.

84. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Australia, Bulgaria, Chile, Denmark, El Salvador, Germany, Italy, Russian Federation and the United Kingdom, and the observers for Cyprus, Czech Republic, Georgia, Greece, Latvia, Liechtenstein, Norway, Poland, Senegal, Slovakia, Spain and Uruguay had become sponsors of the draft resolution.

85. Mr. ALFONSO MARTINEZ thanked the sponsors for having taken account of the difficulties which certain delegations, including his own, had encountered in the past.

86. Mr. BENITO (Financial Resources Management Service) said that a provision of approximately US$ 200,000 had already been made in the 1996-1997 biennium programme budget for the activities of the Working Group, including travel by members and a field mission accompanied by United Nations staff. Consequently, there would be no additional costs.

87. Mrs. FERRARO (United States of America), speaking in explanation of position, said that her delegation would join the consensus on the draft resolution but considered that the Commission should resist unduly restricting the Working Group's mandate or methods of work, in particular as it related to the Group's ability to investigate treatment of individuals in countries without an independent judiciary.

88. Her delegation also wished to emphasize that all States were bound by the obligations included in the international human rights conventions to which they were parties, as well as by the human rights standards of customary international law reflected in the Universal Declaration of Human Rights and elsewhere.

89. Mr. LEGAULT (Canada) said that his delegation endorsed the previous speaker's remarks.

90. The draft resolution was adopted without a vote.

Draft resolution on staff members of the United Nations and of the specialized agencies in detention (E/CN.4/1996/L.39/Rev.1)

91. Mr. RICOCA FREIRE (Observer for Portugal), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Austria, Bangladesh, Netherlands, Peru, Philippines, and the United Kingdom and the observers for Argentina, Iceland, Latvia and Slovakia, said that the text was based on the previous year's resolution on the subject but also reflected certain developments that had occurred since, in particular with

regard to the status of the Convention on the Safety of United Nations and Associated Personnel, which the sponsors urged the Member States to ratify. After highlighting the main points of the draft resolution, he expressed the hope that it would be adopted without a vote.

92. Mr. MÖLLER (Secretary of the Commission) announced that the delegation of the Netherlands and the observers for Finland and New Zealand had also become sponsors of the draft resolution.

93. Mr. MUÑOZ-LEDO (Mexico) said that he supported the draft resolution but considered it important to point out that, when the Convention on the Safety of United Nations and Associated Personnel had been opened for signature, his delegation had stated that, although it recognized the importance of protecting United Nations personnel, it was necessary to clarify certain principles concerning relations between States and peace-keeping operations and that it hoped that the imprecisions in the Convention would not be an obstacle to its application in practice.

94. Mr. FERNANDEZ PALACIOS (Cuba) said that his delegation wished to associate itself with the comments of the previous speaker.

95. The draft resolution was adopted without a vote.

Draft resolution on the question of enforced disappearances (E/CN.4/1996/L.51)

96. Mr. BERNARD (France), introducing the draft resolution on behalf of its sponsors, said that the practice of enforced disappearances was continuing to spread. The draft resolution particularly emphasized the need for cooperation among States, for the Working Group on Enforced or Involuntary Disappearances to review the obstacles to the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance, and for the Secretary-General to make sure that the Group received all the support it required. A number of textual changes resulting from negotiations with certain delegations had been handed to the Secretariat in writing.

97. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Belarus, Benin, Canada, Chile, Colombia, Hungary, Nepal and Venezuela and the observers for Andorra, Czech Republic, Israel, Liechtenstein, New Zealand, Portugal and Uruguay had become sponsors of the draft resolution.

98. Mr. BENITO (Financial Resources Management Service) informed the Commission that provision had been made in the programme budget for the 1996-1997 biennium, to finance the activities of the Working Group on Enforced or Involuntary Disappearances. Accordingly, the draft resolution would not give rise to any additional costs.

99. The draft resolution, as revised, was adopted without a vote.

Draft resolution on human rights and forensic science (E/CN.4/1996/L.58)

100. Mr. TCHUMAREV (Russian Federation), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegation of the United States of America, said that its text included a few changes from that

adopted in 1994, reflecting *new* research and guidelines. After highlighting the main points, he drew attention to a change to paragraph 8, where the words "the Crime Prevention and Criminal Justice Branch and the Centre for Social Development and Humanitarian Affairs" should be added after the words "the Centre for Human Rights". His delegation hoped that the draft resolution, as revised, would be adopted without a vote.

101. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Canada and Denmark and the observer for Slovakia had become sponsors of the draft resolution.

102. The draft resolution, as orally revised, was adopted without a vote.

Draft resolution on human rights in the administration of justice, in particular of children and juveniles in detention (E/CN.4/1996/L.59)

103. Mr. STROHAL (Austria), introducing the draft resolution on behalf of its sponsors, drew attention to its main provisions. Particular reference had been made to children and juveniles in detention because of their vulnerability and special needs. There were three changes to be made to the published text. The first preambular paragraph should end with the words "latter Covenant", the following portion being deleted; paragraph 13 should be deleted and in paragraph 14, the word "both" before the words "before trial" should be replaced by the words "in particular" and the words "and after conviction" should be deleted, while the words "as appropriate" should be inserted after the word "separated".

104. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Benin, Canada, Ethiopia and the Philippines and the observers for Andorra, Czech Republic, Liechtenstein, Malta and New Zealand had become sponsors of the draft resolution.

105. Mr. ALFONSO MARTINEZ (Cuba) said that, while his delegation was not opposed to the draft resolution being adopted without a vote, it would nevertheless have preferred to retain paragraph 14 in its original wording, as being more in line with international standards.

106. The draft resolution, as orally revised, was adopted without a vote.

The meeting rose at 1.05 p.m.

UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1996/SR.52
20 May 1996

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 52nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 19 April 1996, at 3 p.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

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CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS CONCERNING AGENDA ITEMS 8, 23 AND 9 (continued)

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GE.96-12810 (E)

The meeting was called to order at 3.25 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS CONCERNING AGENDA ITEMS 8, 23 AND 9 (continued)

CONSIDERATION OF DRAFT RESOLUTIONS CONCERNING AGENDA ITEM 8 (continued) (E.CN.4/1996/L.60, L.63/Rev.1, L.74 and L.76; E/CN.4/1996/2-E/CN.4/Sub.2/1995/51 (chap. IA, draft resolution I))

Draft resolution E/CN.4/1996/L.63/Rev.1 (Torture and other cruel, inhuman or degrading treatment or punishment)

1. Mr. FREDERIKSEN (Denmark), introducing the draft resolution, said that part A concerned the international legal instruments already in force to combat torture and other cruel, inhuman or degrading treatment or punishment and part B the activities of the Special Rapporteur on questions relating to torture. He emphasized that the draft resolution was sponsored by 44 delegations and expressed the hope that it could be adopted without a vote.

2. Mr. MÖLLER (Secretary of the Commission) announced that Andorra, Portugal, South Africa, the Republic of Korea and Argentina had become sponsors of the draft resolution.

3. Mr. BENITO (Financial Resources Management Service), explaining the administrative and programme budget implications of the draft resolution in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, informed the Commission that the activities provided for in part A of the draft resolution came within the mandate of the Committee against Torture and would be financed from the corresponding allotment. The activities provided for in part B should be funded by the sum of US$ 110,000 allocated under section 21 of the programme budget for the biennium 1996-1997.

4. Draft resolution E/CN.4/1996/L.63/Rev.1 was adopted.

Draft resolution E/CN.4/1996/L.74 (Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers)

5. Mr. COUVREUR (Belgium), introducing the draft resolution, said that it stemmed directly from the mandate with which the Special Rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers had been vested by resolution 1994/41. In the preambular part, the sponsors referred, inter alia, to a number of international conferences and meetings which had recently taken place and which had highlighted the importance of that principle for the protection of human rights. In the operative part, the Commission took note of the second report submitted by the Special Rapporteur and urged all Governments to assist him by transmitting to him all the information requested. The draft resolution also contained provisions concerning the tasks entrusted to the Special Rapporteur, including examination of the serious allegations transmitted to him and the formulation of his conclusions thereon, the identification and registration of violations of the independence of judges and lawyers, as well as the progress made in protecting and strengthening

their independence by means of technical assistance and advisory services. He drew attention to two minor drafting changes. Firstly, the symbol E/CN.4/1996/37, which appeared at the end of paragraph 1, should be inserted at the end of the previous paragraph. Secondly, in paragraph 7, the word "notably" should be replaced by "for instance".

6. Mr. MÖLLER (Secretary of the Commission) announced that Honduras, the Czech Republic, Argentina, Spain, Greece, Slovakia, Benin, South Africa, the Netherlands, the Republic of Korea, Canada, Finland and El Salvador had become sponsors of the draft resolution.

7. Mr. BENITO (Financial Resources Management Service), explaining the administrative and programme budget implications of the draft resolution, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, said that the activities planned should be funded by the approximately US$ 58,000 allocated under section 21 of the programme budget for the biennium 1996-1997 and that no additional funds would be required if the draft resolution was adopted.

8. Draft resolution E/CN.4/1996/L.74, as orally revised, was adopted.

Draft resolution E/CN.4/1996/L.76 (The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms)

9. Mr. LILLO (Chile) said that the draft resolution was based on Commission resolution 1995/34 and on the report submitted to the Commission by the Secretary-General (E/CN.4/1996/29). The Commission would request States that had not yet done so, to provide information to the Secretary-General on the legislation already adopted, as well as that in the process of being adopted, relating to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms. He announced that the words "entitled 'Question of the human rights of all persons subjected to any form of detention or imprisonment'" should be inserted at the end of paragraph 7 of the draft resolution.

10. Mr. MÖLLER (Secretary of the Commission) announced that Angola had become a sponsor of the draft resolution.

11. Draft resolution E/CN.4/1996/L.76, as orally revised, was adopted.

Draft resolution I recommended by the Sub-Commission to the Commission for adoption (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. IA) (Question of human rights and states of emergency)

12. Mr. BENITO (Financial Resources Management Service), explaining the financial implications of the draft resolution, said that the sum of US$ 15,000 had already been allocated under section 21 of the programme budget for the biennium 1996-1997. Consequently, no additional funds should be required if the draft resolution was adopted.

13. Draft resolution I was adopted.

Draft resolution E/CN.4/1996/L.60 (Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment)

14. Mrs. THOMPSON (Observer for Costa Rica), introducing the draft resolution, said that the open-ended working group would be requested to meet for a period of two weeks prior to the fifty-third session of the Commission in order to continue its work and to begin the second reading of the draft optional protocol to the Convention against Torture, with a view to the expeditious completion of a final and substantive text. She also said that the words "and to begin" in the third line of paragraph 2 should be replaced by "including the beginning of".

15. Mr. MÖLLER (Secretary of the Commission) announced that France, South Africa, Nicaragua, the United States of America, Greece and the Gambia had become sponsors of the draft resolution.

16. Mr. BENITO (Financial Resources Management Service) said that the activities of the working group would be funded by the Centre for Human Rights under the programme budget for the biennium 1996-1997. Consequently, the draft resolution ought not to entail any additional costs if it was adopted.

17. Draft resolution E/CN.4/1996/L.60, as orally revised, was adopted.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS CONCERNING AGENDA ITEM 23 (E/CN.4/1996/L.55-L.57, L.66 and L.70/Rev.1; E/CN.4/1996/2-E/CN.4/Sub.2/1995/51 (chap. IA, draft resolution II, chap. IB, draft decisions 6, 7, 8 and 10))

Draft resolution E/CN.4/1996/L.55 (Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994)

18. Mr. WILLIS (Australia), introducing the draft resolution, said that the Commission would recommend that the Working Group elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994 should meet for 10 working days prior to the fifty-third session of the Commission, and would recommend a draft resolution to the Economic and Social Council to that end.

19. Mr. MÖLLER (Secretary of the Commission) announced that El Salvador, Switzerland and Ecuador had become sponsors of the draft resolution.

20. Mr. ROSALES DIAZ (Nicaragua) said that, in the Spanish text, the word "poblaciones" in the second preambular paragraph should be replaced by "pueblos".

21. Mr. BENITO (Financial Resources Management Service) said that the activities of the Working Group would be funded by the Centre for Human Rights under the programme budget for the biennium 1996-1997. Consequently, no additional resources should be required if the draft resolution was adopted.

22. Draft resolution E/CN.4/1996/L.55, as orally revised, was adopted.

Draft resolution E/CN.4/1996/L.56 (International Decade of the World's Indigenous People)

23. Mr. WILLIS (Australia), introducing the draft resolution, said that the Commission would welcome the General Assembly's decision to adopt the programme of activities for the Decade and its affirmation of the adoption of a declaration on the rights of indigenous people as a major objective of the Decade. The Commission would also encourage Governments to support the Decade by contributing to the United Nations Trust Fund for the Decade and by making certain other provisions, in consultation with indigenous people. The Decade was an excellent opportunity to focus attention on the concerns and aspirations of indigenous people and to put an end to the marginalization from which they suffered. The draft resolution had been the subject of extensive consultations within the various regional groups, and his delegation hoped that it would be adopted by consensus.

24. Mr. MÖLLER (Secretary of the Commission) announced that El Salvador and Ecuador had become sponsors of the draft resolution.

25. Draft resolution E/CN.4/1996/L.56 was adopted.

Draft decision E/CN.4/1996/L.57 (Study on treaties, agreements and other constructive arrangements between States and indigenous populations)

26. The CHAIRMAN announced that draft decision E/CN.4/1996/L.57 had been withdrawn.

Draft decision 10 recommended by the Sub-Commission to the Commission for adoption (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. IB (Study on treaties, agreements and other constructive arrangements between States and indigenous populations)

27. Mr. BENITO (Financial Resources Management Service) informed the Commission that the sum of US$ 10,000 had been allocated under section 21 of the programme budget for the biennium 1996-1997 for travel by the Special Rapporteur to Geneva; the other activities called for by draft decision 10, including the specialized research assistance and field mission, whose cost was estimated at approximately US$ 15,000, should be financed from the allotment made under section 21 of the programme budget for the current financial year.

28. Mrs. FERRARO (United States of America) said that her delegation appreciated the importance of the issue and was concerned that the Sub-Commission had not been able satisfactorily to complete its study of it. Under the Sub-Commission's guidelines, studies should be completed within three years; however, the study in question had been under way since 1988. In addition, the Sub-Commission requested considerable special assistance for the Special Rapporteur, which her delegation believed to be inappropriate in view of the limited financial resources available to the other Special Rapporteurs. In spite of those serious reservations, her delegation would not stand in the way of a consensus for the adoption of the draft decision.

29. Draft decision 10 (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. IB) was adopted.

Draft resolution E/CN.4/1996/L.66 (Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities)

30. Mrs. WILSON (Observer for New Zealand), introducing the draft resolution, said that the Commission would express its appreciation and satisfaction to the Working Group on Indigenous Populations for its work and welcome its proposal to focus attention on the issue of indigenous people and health. In particular, her delegation drew the attention of the members of the Commission to paragraphs 7 and 9. It hoped that the draft resolution would be adopted without a vote.

31. Mr. MÖLLER (Secretary of the Commission) announced that Estonia, Honduras, the Russian Federation and Ecuador had become sponsors of the draft resolution.

32. Mr. BENITO (Financial Resources Management Service) said that the cost of the per diem allowance for the members of the Working Group on Indigenous Populations should be covered by the sum of US$ 16,000 allocated under section 21 of the programme budget for the biennium 1996-1997. Accordingly, no additional resources should be required if the draft resolution was adopted.

33. Draft resolution E/CN.4/1996/L.66 was adopted.

34. The CHAIRMAN said that draft resolution E/CN.4/1996/L.66, which the Commission had just adopted, replaced draft decision 7 recommended by the Sub-Commission to the Commission for adoption (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. IB) (Discrimination against indigenous peoples).

Draft resolution E/CN.4/1996/L.70/Rev.1 (A permanent forum for indigenous people in the United Nations system)

35. Mr. MIKKELSEN (Denmark), introducing the draft resolution, emphasized that it had been revised for purely editorial reasons. He noted with satisfaction that there was a growing number of sponsors from all regions. The purpose of the draft resolution was to strengthen and broaden the dialogue, on the basis of the results obtained at the General Assembly, at the Commission and at the workshop organized in Copenhagen in June 1995. He endorsed the idea put forward at Copenhagen that the Secretary-General should assess the existing mechanisms, procedures and programmes within the United Nations. That review was under way, and the sponsors hoped that its results, together with the report of the Copenhagen workshop, would make it possible to strengthen the dialogue on the establishment of a permanent forum. As the draft resolution had been the subject of expensive and open consultations, his delegation hoped that it would be possible to adopt it by consensus.

36. Mr. MÖLLER (Secretary of the Commission) announced that Finland had been one of the original sponsors of the draft resolution and that its name should appear on the document. Belgium, Ecuador, Peru and Latvia had become sponsors of the draft resolution.

37. Mr. BENITO (Financial Resources Management Service) said that the approximate estimated cost of the activities provided for in the draft resolution was US$ 30,000, which would be covered, as far as possible, using the funds allocated under sections 21 and 26 (e) of the programme budget for the biennium 1996-1997.

38. Draft resolution E/CN.4/1996/L.70/Rev.1 was adopted.

39. The CHAIRMAN said that draft resolution E/CN.4/1996/L.70/Rev.1, which had just been adopted, replaced draft decision 8 recommended by the Sub-Commission to the Commission for adoption (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. 1B) (Permanent forum in the United Nations for indigenous people).

Draft resolution II recommended by the Sub-Commission to the Commission for adoption (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. IA) (Protection of the Heritage of Indigenous Peoples)

40. Mr. SALGADO (Brazil) drew the Secretariat's attention to typographical errors in the title of the draft resolution as well as in the third line of paragraph 5 of the English version. The word "peoples" should be replaced by "people". His delegation hoped that the Secretariat would be able to correct those mistakes.

41. Mr. MÖLLER (Secretary of the Commission) said that the Secretariat could in no circumstances modify a text adopted by the Sub-Commission.

42. Mr. SALGADO (Brazil) said that he had every reason to believe that there was a typographical error. Resolution 1995/40 of the Sub-Commission, which was the basis for draft resolution II, was entitled "Protection of the heritage of indigenous people" in English.

43. The CHAIRMAN suggested postponing a decision on the draft resolution until the matter had been clarified.

44. It was so decided.

Draft decision 6 recommended by the Sub-Commission to the Commission for adoption (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. IB) (United Nations Voluntary Fund for Indigenous Populations)

45. Mr. WILLIS (Australia) pointed out that General Assembly resolution 50/156 had been adopted pursuant to the recommendation contained in draft decision 6. For that reason, there was no longer any need for the Commission to take a decision on the matter.

46. The CHAIRMAN said he took it that, if there were no objections, the Commission did not wish to take a decision on draft decision 6.

47. It was so decided.

CONSIDERATION OF DRAFT RESOLUTIONS CONCERNING AGENDA ITEM 9 (E/CN.4/1996/L.49, L.50, L.53, L.62, L.72, L.73, L.77, L.79, L.82 AND L.83)

Draft resolution E/CN.4/1996/L.49 (The Olympic Ideal)

48. Mr. BOUCAOURIS (Observer for Greece), introducing the draft resolution, said that, following consultations, a number of changes had been made to the text. He read out the following new second preambular paragraph:

> "Recalling also the value of the equal right of men and women to the enjoyment of all economic, social and cultural rights and to the recognition of the right of everyone to take part in cultural life,".

He then read out the following new fifth preambular paragraph:

> "Taking into account, in particular, the sixth preambular paragraph of General Assembly resolution 49/29 of 7 December 1994,".

In paragraph 2, "contribute" should be replaced by "may contribute". In addition, the word "international" should be deleted before the words "olympic Ideal" in paragraph 4, and before the words "Olympic Games" in paragraph 5. Finally, in paragraph 6, the words "the Olympic Games" should be replaced by "the Olympic Movement".

49. Mr. MÖLLER (Secretary of the Commission) said that Algeria, Andorra, Argentina, Benin, Italy, Latvia, Madagascar, Malta, Nicaragua, Portugal, the Republic of Korea, Romania, Slovakia, Slovenia, Spain, The Former Yugoslav Republic of Macedonia, Togo, and the United States of America had become sponsors of the draft resolution.

50. Draft resolution E/CN.4/1996/L.49, as orally revised, was adopted.

Draft resolution E/CN.4/1996/L.50 (Preparations for the fiftieth anniversary of the Universal Declaration of Human Rights)

51. Mr. WORONIECKI (Observer for Poland), introducing the draft resolution, together with a revised version which had been negotiated and approved by all the sponsors, said that even though the anniversary of 10 December 1998 was still some time ahead, it was appropriate to recall that the work which had led to the adoption of the Universal Declaration had begun exactly 50 years previously, with the election by the Economic and Social Council of the first members of the Commission on Human Rights. In 1996, after 186 Member States, representing 5 billion human beings, had signed the Declaration, the actual scope of that contribution could be measured. There was no other sphere of United Nations activity in which the organization's standard-setting work had been so significant and in which the tasks ahead were so numerous and urgent. For that reason, the draft resolution proposed to harness the energy of all the States Members of the United Nations, not to celebrate achievements

but to respond to the expectations of those whose rights were being violated or were not yet fully respected. His delegation hoped that it would be possible to adopt the draft resolution by consensus.

52. Mr. MÖLLER (Secretary of the Commission) announced that Canada, Pakistan, the Czech Republic, The Former Yugoslav Republic of Macedonia, Mexico, Italy, Greece, Ethiopia, Togo, Benin, Madagascar, Denmark, Bangladesh, France, India, the Philippines, Sri Lanka and Austria had become sponsors of the draft resolution.

53. Draft resolution E/CN.4/1996/L.50 was adopted.

54. Mr. DE ICAZA (Mexico) failed to see why his delegation had only just received the text of an amendment to the draft resolution just adopted.

55. Mr. KUZNIAR (Observer for Poland) said that his colleague Mr. Woroniecki had mentioned a revision of the text when he had introduced the draft resolution.

56. Mrs. GHOSE (India) confirmed that revision had been mentioned when the draft resolution had been introduced. Moreover, it was thanks to that revision that India had been able to become a sponsor of the draft resolution.

57. Mr. DE ICAZA (Mexico) pointed out that it was customary in the Commission for delegations that wished to amend a draft resolution or decision to read out the amendment. His delegation did not wish to delay the work of the Commission needlessly, although if it had been aware that the text adopted had been revised, it would not have been able to become a sponsor.

Draft resolution E/CN.4/1996/L.53 (The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS))

58. Mr. TYSZKO (Observer for Poland), introducing the draft resolution on behalf of the sponsors, said that it referred to recent facts or developments, such as the new Joint United Nations Programme on HIV/AIDS (UNAIDS) and the report of the Secretary-General of the United Nations on human rights and HIV/AIDS (E/CN.4/1996/44), and to the preparations for the second expert consultation on human rights and AIDS, due to be held in July 1996.

59. In the operative part, which repeated previous resolutions, it was proposed that efforts should be continued towards the elaboration of guidelines on protecting human rights in the context of HIV/AIDS. The Secretary-General would also be requested to prepare a final report on those guidelines, including the outcome of the second expert consultation on human rights and AIDS, and on their international dissemination. Finally, the Joint United Nations Programme on HIV/AIDS (UNAIDS) should continue the process of incorporating a strong human rights component in all its activities and cooperate closely with the Centre for Human Rights. His delegation hoped that the draft resolution, which had been prepared in consultation with all the parties concerned, would be adopted by consensus.

60. Mr. MÖLLER (Secretary of the Commission) said that Angola, Canada, Costa Rica, France, South Africa and the United Kingdom of Great Britain and Northern Ireland had become sponsors of the draft resolution.

61. Mr. van WULFFTEN PALTHE (Netherlands) said that his delegation had not wished to become a sponsor of the draft resolution as it made no reference to the restrictions imposed by many countries on persons infected by HIV or suffering from AIDS who wished to enter them.

62. Draft resolution E/CN.4/1996/L.53 was adopted.

Draft resolution E/CN.4/1996/L.72 (United Nations Decade for Human Rights Education)

63. Mr. GUILLERMET (Observer for Costa Rica), introducing the draft resolution, said that Japan and Kenya had become sponsors. The proposed text, which referred to a number of resolutions relating to human rights education, and in particular to General Assembly resolution 49/184, which had proclaimed the 10-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, was based on the mandate with which the High Commissioner for Human Rights had been vested to coordinate the implementation of the Plan of Action for the Decade. Finally, in order fully to address the issue, the second preambular paragraph of the draft resolution referred to article 26 of the Universal Declaration of Human Rights, which provided that education should be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. The importance of international cooperation in connection with the Decade and the responsibility borne by Governments in respect of human rights education were emphasized. His delegation hoped that the draft resolution would be adopted by consensus, as at the previous session.

64. Mr. MÖLLER (Secretary of the Commission) said that Denmark, Sri Lanka, Togo and Zimbabwe had become sponsors of the draft resolution.

65. Mr. JOUBLANC (Mexico) said that his delegation was able to support the proposed draft resolution, but that it would have preferred some of its concerns to be more adequately reflected, in particular in paragraphs 2 and 4. In paragraph 2 it would have been preferable to indicate that national plans for the Decade should be organized in full conformity with national legislation. As for the request made, in paragraph 4, to the human rights monitoring bodies, it could have been formulated more clearly to ensure they did not exceed their mandate.

66. Draft resolution E/CN.4/1996/L.72 was adopted.

Draft resolution E/CN.4/1996/L.77 (Human rights and thematic procedures)

67. Mr. VENERA (Observer for the Czech Republic), introducing the draft resolution, said that the text, which was based on resolution 1995/87, drew attention to the importance acquired in recent years by the thematic procedures among the human rights monitoring mechanisms. The draft resolution also emphasized the importance of Government cooperation with those

procedures. His delegation hoped that the draft resolution, which had been prepared in consultation with all the parties concerned, would be adopted by consensus.

68. Mr. MÖLLER (Secretary of the Commission) announced that Japan, Jordan and Luxembourg had become sponsors of the draft resolution.

69. Draft resolution E/CN.4/1996/L.77 was adopted.

Draft resolution E/CN.4/1996/L.79 (Human rights and terrorism)

70. Mr. GULDERE (Observer for Turkey), introducing the draft resolution, said that the text required a number of corrections. In the second preambular paragraph, "Noting" should be replaced by "Recalling". At the end of the third preambular paragraph, the words "held at Vienna from 14 to 25 June 1993," should be added. In the eighth preambular paragraph of the English version, the words "the fact" should be deleted from the first line.

71. Regarding the substance of the draft resolution, the proposed text did not challenge the right of peoples under colonial or alien domination or foreign occupation to resort to any legitimate means, in conformity with the Charter of the United Nations, to fulfil their inalienable right to self-determination as recognized in the relevant resolutions of the United Nations General Assembly. However, that principle could in no way authorize or encourage acts intended to undermine the territorial integrity or political unity of sovereign, independent States. His delegation paid tribute to the sense of compromise and cooperation shown by the sponsors of the draft resolution and all the delegations which had taken part in the consultations, in particular the delegation of Pakistan. He hoped that the Commission would adopt the draft resolution by consensus.

72. Mr. MÖLLER (Secretary of the Commission) announced that the Russian Federation, the Philippines, Sri Lanka and Uruguay had become sponsors of the draft resolution.

73. Mr. MEGHLAOUI (Algeria) said that his delegation supported the draft resolution. Nevertheless, the Commission should not content itself with requesting its subsidiary organs to examine the consequences of the acts, methods and practices of terrorist groups, but should clearly condemn such acts and urge States which took a different view to reconsider their position. However, his delegation wished to become a sponsor of the draft resolution.

74. Mrs. GHOSE (India) said that her delegation wished to become a sponsor of the draft resolution, which reflected some of its own concerns.

75. Mr. JOUBLANC (Mexico) said that Mexico strongly and unequivocally condemned terrorist acts, methods and practices, whatever the aim of the perpetrators. Such acts undermined the rule of law, democratic institutions and, in some cases, even the stability of States. Terrorism also frequently created situations in which the promotion and protection of human rights were jeopardized. However, terrorist acts were first and foremost serious offences which should be severely punished by the authorities of the countries concerned. His delegation was able to support the draft resolution, although

it regretted the link established between terrorist acts and human rights. It was also regrettable that terrorist acts were assimilated to human rights violations, rather than to criminal acts which were thus unlawful. It was by continuing to draw a conceptual and juridical distinction between terrorist acts and human rights violations, with their consequences, that it would be possible better to assist Governments and the international community to combat such crimes.

76. Draft resolution E/CN.4/1996/L.79, as orally revised, was adopted.

Draft resolution E/CN.4/1996/L.82 (Question of integrating the human rights of women throughout the United Nations system)

77. Mrs. BUCK (Canada), introducing the draft resolution, said that its purpose was to induce all the organs and mechanisms within the United Nations system systematically to take a gender perspective in the discharge of their mandates and to include in their reports information on violations of the fundamental rights of women.

78. The sponsors had made the following amendments to the draft resolution. After the fourth preambular paragraph, the following new preambular paragraph should be inserted:

> "Welcoming the successful convening of the Fourth World Conference on Women, held in Beijing from 4 to 15 September 1995, and the significant contribution the Conference has made to the promotion of the human rights of women and the girl child, and encouraging all States to take practical measures to implement the Beijing Declaration and Platform for Action,".

The following words should be added at the end of the fifth preambular paragraph: "and recalling resolution 40/... on mainstreaming the human rights of women, adopted by the Commission on the Status of Women at its fortieth session". In paragraph 3 of the English version, the words "into account in the implementation of" should be added after the words "regularly and systematically take a gender perspective". The following new paragraph should be inserted after paragraph 7:

> "Recalls that the Beijing Platform for Action urged States to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, formulate any such reservations as precisely and as narrowly as possible, ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law, and regularly review them with a view to withdrawing them;".

The above new paragraph reiterated paragraph 230 (c) of the above-mentioned Platform for Action.

79. Mr. MÖLLER (Secretary of the Commission) announced that Turkey, New Zealand, Spain, Peru, Malaysia, France, Uruguay, Liechtenstein, Argentina, the Philippines, Sweden, Costa Rica, Benin, India, the United States of America, the Gambia, Cyprus, Austria, Nicaragua, Malawi, Italy, Zimbabwe, Mali, Venezuela and Belarus had become sponsors of the draft resolution.

80. Draft resolution E/CN.4/1996/L.82, as orally revised, was adopted.

Draft resolution E/CN.4/1996/L.83 (The elimination of violence against women)

81. Mrs. DION (Canada), introducing the draft resolution, said that the Commission called for the elimination of gender-based violence in the family and within the community. To achieve that, States were called on to implement the recommendations made by the Special Rapporteur on violence against women. The numerous delegations which had taken a constructive part in the preparation of the draft resolution, and in particular the delegations of the Republic of Korea and Japan, had agreed on a number of amendments.

82. The words "and to provide access to just and effective remedies and specialized assistance to victims;" should be inserted at the end of paragraph 4. In paragraph 6 "Welcomes" should be replaced by "Takes note of". The following amendment should be made to the first sentence of paragraph 8, before the words "taking into account": "Reminds Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be fully implemented with regard to violence against women,". The following insertion should be made at the end of the paragraph: "and calls upon those countries which are still not parties to the Convention to work actively towards ratification of or accession to it;". Finally, in paragraph 10, the words "in keeping with the recommendations of the Special Rapporteur in this regard" should be replaced by "taking into account the recommendations of the Special Rapporteur in regard to an optional protocol;".

83. Mr. MÖLLER (Secretary of the Commission) announced that Costa Rica, Luxembourg, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, Australia, France, Ethiopia, New Zealand, the Philippines, Malaysia, Spain, Greece, Brazil, Italy, Uruguay, Liechtenstein, the Democratic People's Republic of Korea, Jordan, Sweden, Latvia, the United States of America, the Gambia, Nicaragua, India, Zimbabwe, South Africa and Venezuela had become sponsors of the draft resolution.

84. Mrs. JIMENEZ (Mexico) emphasized that State responsibility with regard to domestic violence by individuals and State responsibility for violations of the rights set out in the human rights instruments and committed by its officials or agents could not be put on the same footing. As the draft resolution took that concern into account, her delegation would support it.

85. Mr. BENITO (Financial Resources Management Service) said that the cost of the activities of the Special Rapporteur provided for in the draft resolution

should be met by the US$ 110,000 allocated under the programme budget for the biennium 1996-1997. Consequently, the draft resolution should not give rise to any additional costs if it were adopted.

86. Draft resolution E/CN.4/1996/L.83, as orally revised, was adopted.

Draft resolution E/CN.4/1996/L.62 (National institutions for the promotion and protection of human rights)

87. Mr. BARKER (Australia), introducing the draft resolution, said that the best means of strengthening protection for human rights was to establish appropriate national institutions. In the draft resolution, the sponsors emphasized the importance of the Commission on Human Rights and the Centre for Human Rights continuing to encourage the establishment and strengthening of independent and pluralistic national institutions for the promotion of human rights. In paragraph 19, the words "within existing resources" should be inserted after "convene,".

88. Mr. MÖLLER (Secretary of the Commission) announced that Togo, the Czech Republic, Mexico, Portugal, Norway, the Philippines, Sri Lanka, France, Madagascar, Angola and El Salvador had become sponsors of the draft resolution.

89. Mr. BENITO (Financial Resources Management Service) said that the fourth international workshop on national institutions for the promotion and protection of human rights provided for in paragraph 19 of the draft resolution should be funded by voluntary contributions. Consequently, if the draft resolution were adopted, that activity would have no financial implications for the regular budget.

90. Draft resolution E/CN.4/1996/L.62, as orally revised, was adopted.

Draft resolution E/CN.4/1996/L.73 (Human rights and mass exoduses)

91. Mr. TOUCHETTE (Canada), speaking on behalf of the sponsors of the draft resolution, who had been joined by the Netherlands, Nepal, Andorra, Norway, Finland, El Salvador, Germany, the Czech Republic, Australia, New Zealand, Greece and France, said that the purpose of the draft resolution was to encourage all United Nations agencies and Governments fully to cooperate in the implementation of the humanitarian early warning system and to strengthen emergency preparedness and response mechanisms, to adopt a comprehensive approach in order to address the root causes of the problem and to address the effects of movements of refugees and other displaced persons. The States parties to the 1951 Convention relating to the Status of Refugees were encouraged to provide information to the Office of the United Nations High Commissioner for Refugees in accordance with article 35 of the Convention.

92. He drew attention to a number of amendments to the draft resolution. In the eighth preambular paragraph, the words "in particular in the framework of tripartite agreements between the State of origin, the State of asylum and the Office of the United Nations High Commissioner for Refugees," should be inserted after the words "the monitoring of returnees,". In the twelfth preambular paragraph, the words "to report" should be replaced by

"to provide information"; at the end of the paragraph, the words "as was recalled in the General Conclusion of 1995 of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees," should be added. Finally, at the end of paragraph 15, the full title of the Convention should be replaced by "the Convention".

93. Mr. MÖLLER (Secretary of the Commission) announced that Latvia, Liechtenstein and Luxembourg had become sponsors of the draft resolution.

94. Mr. TOUCHETTE (Canada) said he believed that Latvia had decided not to sponsor the draft resolution.

95. The CHAIRMAN said that the matter would be clarified with the Latvian delegation.

96. Draft resolution E/CN.4/1996/L.73, as orally revised, was adopted.

The meeting rose at 6.10 p.m.